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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,142	04/15/2002	Franz Wieth	LBP-PT016(19 355 su)	9820

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EXAMINER

PREVIL, DANIEL

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 05/23/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Office Action Summary

Application No.

10/019,142

Applicant(s)

WIETH ET AL.

Examiner

Daniel Previl

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,8. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because all boxes in Fig. 1-Fig. 6 need to have a descriptive label. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenander (US 6,206,165) in view of French (US 6,486,768).

Regarding claims 1, 5, Lenander discloses the step of assigning the first signal A (after completion of the purchases, the stationary electronic device 18 will send a recording signal with respect to the purchases having taken place) , the customer when generating the first signal A and/or on an information medium (voucher) the generated signal A until it is correlated with the second signal B (this recording via an electronic indicator 17 initiate an optical and/or acoustical signal with the

information that the returning of the service cart has occasioned a reward) (col. 3, lines 39-65; col. 4, lines 37-56)

Lenander discloses every feature of the claimed invention but fails to explicitly disclose the step of carrying identification by the customer.

However, French discloses customer ID card 404 such as debit/credit card, check or reward card (inherently carrying by the customer) (col. 11, lines 18-62; col. 12, lines 6-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time.

Regarding claim 2, Lenander discloses the step of generating the second signal B when any shopping cart is returned to a collection point (col. 3, lines 57-65).

Regarding claim 3, Lenander discloses the step of generating the second signal B when the returned shopping cart had previously been located outside of the collection (outdoor of the collection station) for longer than a preset time period (col. 2, lines 2-24).

Regarding claim 4, Lenander discloses the second signal when the shopping cart had been previously used to go shopping (col. 3, lines 57-65).

Regarding claims 6-7, the above combination discloses all the limitations in claim 1 and French further discloses optical recognition system (col. 10, lines 18-28).

Regarding claim 8, the above combination discloses all the limitations in claim 1 and French further discloses the step of issuing the information medium for the first signal A to the customer when paying at the shopping center and recording the second signal B on it, when returning the shopping cart whereby the customer receives a bonus when returning the information medium with the recorded second signal B (col. 11, lines 18-67).

Regarding claim 9, although, the above combination discloses all the limitations in claim 1 but fails to explicitly disclose the step of issuing the information medium to the customer when he drives in the customer parking lot of the shopping center. Since, French discloses the step of issuing ID number to the customer of the shopping center (col. 11, lines 18-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to issue an information medium to the customer when driving to the parking of the shopping center to be accurately rewarded when the shopping cart is returned.

Regarding claims 10-11, the above combination discloses all the limitations in claim 1 and French further discloses signals A and B are saved on a customer-owned data medium (col. 11, lines 18-63).

Regarding claim 12, the above combination discloses all the limitations in claim 1 and French further discloses a time stamp on the customer-owned data medium, they are read out when the next purchase is made and are correlated to issue of a bonus at the shopping center (col. 12, lines 6-21).

Regarding claims 13-14, the above combination discloses all the limitations in claim 1 and French further discloses signals A and B are saved on a customer-owned data medium with codes or addressing specific to the shopping center (col. 11, lines 18-63).

Regarding claim 15, Lenander discloses a Signal A contains, in addition to information that a purchase was made, data on the scope, the makeup and/or the time point of the purchase, and the bonus to be given out to the customer is determined in relation to such data (col. 3, lines 40-56).

Regarding claims 16-17, Lenander discloses a first detection means (electronic signal director 20) generating the first signal A (after completion of the purchases, the stationary electronic device 18 will send a recording signal with respect to the purchases having taken place) , a second detection means (electronic indicator 17) generating a second signal when a shopping cart is returned to a collection point and a data processing unit (electronic device 18) to correlate the two signals A and B to issue a bonus (this recording via an electronic indicator 17 initiate an optical and/or acoustical signal with the information that the returning of the service cart has occasioned a reward) (col. 3, lines 39-65; col. 4, lines 37-56)

Lenander discloses every feature of the claimed invention but fails to explicitly disclose the step of carrying identification by the customer.

However, French discloses customer ID card 404 such as debit/credit card, check or reward card (inherently carrying by the customer) (col. 11, lines 18-62; col. 12, lines 6-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time.

Regarding claims 18-19, the above combination discloses all the limitations in claim 1 and French further discloses optical recognition system (col. 10, lines 18-28).

Regarding claim 20, the above combination discloses all the limitations in claim 1 and French further discloses the information medium is a data medium in the permanent possession of the customer (col. 11, lines 18-63).

Regarding claim 21, the above combination discloses all the limitations in claim 1 but fails to explicitly disclose a mobile phone. Since French discloses satellite or telephone link (col. 11, lines 60-61). So, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a mobile phone to transmit quicker and less expensive information. Wherein users and store' owners can save time and money.

Regarding claim 22, Lenander discloses a second detection means (electronic indicator 17) for recognizing whether the returned shopping cart has been

stored into the shopping cart stacked row provided at the collection point within a prescribed tolerance (col. 11, lines 57-67).

Regarding claim 23, the above combination discloses all the limitations in claim 1 and French further discloses a number of optical detectors (LEDs) , detectors being attached to the shopping carts and being provided the generations of signals A and B (fig. 13; col. 10, lines 18-28).

Regarding claim 24, the above combination discloses all the limitations in claim 1 and French further discloses optical detectors are provided with a read-write (card reader) device to write the customer-owned data medium which comprises a chip card (col. 10, lines 18-28).

Regarding claim 25, the above combination discloses all the limitations in claim 1 and French further discloses a wireless forwarding of signals A and B to the customer-owned data medium is provided (col. 11, lines 18-67).

Regarding claim 26, the examiner takes the official notice that "optical transmitter made up of IR light sources" is well known in the art.

Regarding claims 27-28, the above combination discloses all the limitations in claim 1 and French further discloses the first optical signal transmitter comprises a light signal that is modulated according to normal lighting of the shopping center (col. 10, lines 18-28).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith (US 3,882,982) discloses a method and apparatus for encouraging return of shopping carts.

Peggs (US 3,897,863) discloses a cart reception and reward mechanism.

Unger (US 4,470,495) discloses a device for encouraging the return of shopping carts.

Havens (US 4,868,544) discloses a shopping cart retrieval system.

DiPaolo et al. (US 5,402,106) discloses a shopping cart theft prevention system.

Burke (US 5,848,399) discloses a computer system for allowing a consumer to purchase packaged goods at home.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 703 305-1028. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel WU can be reached on 703 308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9315 for After Final communications.

Art Unit: 2632

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Daniel Previl
Examiner
Art Unit 2632

DP
May 19, 2003


DANIEL J. WU
PRIMARY EXAMINER
5/19/03